

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

<b>RANDOLPH and GLORIA LONG,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:04-CV-203</b>
	)	<b>(Phillips/Shirley)</b>
<b>MONACO COACH CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

This matter is before the court on defendant's motion to continue the trial which is scheduled for March 8, 2006. In support of the motion, defendant states that plaintiffs filed a second amended complaint on November 30, 2005, which raises claims based upon the Tennessee Consumer Protection Act. Defendant further states that it will need to supplement its discovery efforts to formulate its defenses with regard to the additional causes of action. Therefore, defendant requests a continuance of the March 8, 2006 trial date.

Plaintiffs oppose the motion, stating that additional discovery is not necessitated by their claims raised in the second amended complaint.

The court allowed plaintiffs to file a second amended complaint after the time for filing dispositive motions had expired in this case. It is only fair that defendant be

allowed sufficient time to conduct discovery as to the new claims. Plaintiffs cannot add additional claims to their lawsuit and deny defendants the time necessary to prepare a defense to the added claims. Accordingly, defendant's motion for a continuance of the trial date [Doc. 98] is hereby **GRANTED**.

1. The trial of this case is continued and shall commence on **Wednesday, January 24, 2007 at 9:00 a.m.** Estimated length of trial is 3 days.
2. A final pretrial conference shall be held in this case on **Monday, January 15, 2007 at 10:00 a.m.**
3. All other matters covered by the scheduling order previously entered in this case shall remain unchanged and be calculated based on the new trial date.

**IT IS SO ORDERED.**

**ENTER:**

s/Thomas W. Phillips  
**UNITED STATES DISTRICT JUDGE**